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April 27, 2015

VIA ECF & EMAIL

Hon. Cathy Seibel  
United States District Judge  
United States Courthouse  
300 Quarropas Street  
White Plains, NY 10601

Re: United States v. Selim Zherka, 14 Cr. 545 (CS)

Dear Judge Seibel,

I write in response to the government letter to the Court this morning concerning the government request to me that I return to the government Sisti notes that it claims are attorney-client privileged and were inadvertently turned over to me.

I attach here my recent email response to the government with respect to this request. I note that neither in its letter today to the Court nor by any communication to me has the government responded to request number three in my email that the government advise me when it first learned that it possessed attorney-client privileged material from Mr. Sisti.

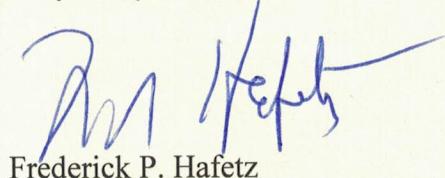
In *United States v. Gangi*, 1 F. Supp. 2d 256 (SDNY 1998) Judge Chin ruled that a significant factor in determining a party's request for the return of inadvertently disclosed privileged documents is "whether the party that inadvertently disclosed the Privileged documents seeks relief promptly upon learning that privileged information has been disclosed." *Id.* at 266. Similarly, in *United States v. Rigas*, 490 F. 2d 208 (SDNY 2007) Judge Sand ruled that prompt request for return upon learning of inadvertent disclosure of privileged documents is a significant factor in determining whether remedial relief should be ordered.

In both of these cases the government made a request for return of the inadvertently disclosed documents the same day it learned of the inadvertent disclosure. The government has failed to answer my request for this information. I respectfully request that the Court direct the government to furnish this

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information before ruling on the government request.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "F P Hafetz".

Frederick P. Hafetz

CC: AUSA Douglas S. Zolkind, Esq.  
AUSA Elliott B. Jacobson, Esq.  
AUSA Perry A. Carbone, Esq.  
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